

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LIBERTY MEDIA HOLDINGS, LLC)	Case No. 2:12-cv-00923-LRH -GWF
)	
Plaintiff,)	
)	
vs.)	
)	
SERGEJ LETYAGIN, d/b/a)	
SUNPORNO.COM, IDEAL CONSULT,)	
LTD., "ADVERT", "CASTA",)	
"TRIKSTER", "WORKER", "LIKIS",)	
"TESTER" and DOES 1-50)	
)	
Defendants)	
)	
)	
)	

SECOND AFFIDAVIT OF SERGEJ LETYAGIN

Sergej Letyagin, being duly sworn, does hereby depose and state:

1. My name is Sergej Letyagin. Unless otherwise stated, I make this affidavit of my own personal knowledge.
2. I have been provided with a copy of the Plaintiff's Opposition to my Motion to Dismiss and I write to correct just *some* of the factual misstatements made in that document.
3. As I stated in my previous affidavit, I do not now (nor have I ever) owned SunPorno.com individually. Ideal Consult, Ltd. ("Ideal"), company headquartered in the Republic of Seychelles, owns and operates SunPorno.com in addition to over a thousand other different websites, primarily offering adult entertainment. Ideal is a properly formed corporation and is not my alter ego.
4. I did not post to SunPorno.com (or to any other website) any of the allegedly infringing material complained of in this lawsuit.

5. I do not know who posted to SunPorno.com the allegedly infringing material complained of in this lawsuit.

6. I do not know the identity of the individuals referenced as “ADVERT”, “CASTA”, “TRIKSTER”, “WORKER”, “LIKIS”, and “TESTER” in the Complaint. I am not the individual behind any of those usernames, nor are any of them registered to me.

7. According to Ideal’s records, each of the individuals whose SunPorno.com user IDs are “ADVERT”, “CASTA”, “TRIKSTER”, “WORKER”, “LIKIS”, and “TESTER” are located in Eastern Europe. Clearly, none of them are located in the United States.

8. As I stated in my previous affidavit, with respect to advertisements on SunPorno.com, Ideal has no control over which advertisements are displayed. Ideal contracts with three advertising network companies, ExoClick which is headquartered in Spain; Adxpansion, located in Canada; and Ero-Advertising, located in Holland. These three companies provide the actual advertisements displayed on the website; all Ideal does is provide banner advertising space on its site and the advertising network companies then selects the advertisements that are displayed when a person visits the website. This is the way that most advertising on the internet works.

9. When the Plaintiff says that SunPorno.com directs ads at Nevada, it is intentionally misleading the court. The third-party advertising companies use what is known as geolocation services (using a user’s IP address to determine their likely location) to tailor the ads for *its clients*. Again, this is not advertising for SunPorno, nor is it advertising sold by or selected by Sunporno.

10. Ideal has not itself provided a premium service, although it has from time to time contracted with third parties which have provided such services through a “white label” site.

Presently, SunPorno.com does not offer a premium service at all. When such service was available (at all times through a third-party), the SunPorno.com FAQ section clearly read: “If you want to watch movies in Hi-Definition quality, you will need to upgrade your account. You will need to pay for this account. Please note that an HD upgrade account is totally separate from Sunporno and services are provided by a third party.”

11. Moreover, the very top of the “white label” sign-up site at sunporno.com/premium.php (which is no longer accessible from anywhere else on the website because SunPorno.com does not currently offer a premium service) is very clear in that purchasers of the HD membership plans would have to contact a third party if they had any questions or concerns about the membership. Although the Plaintiff’s exhibit (ECF 28-10) cuts off most of this message, it states, in full: “If you have any questions about your HD membership, please use support system at <http://www.csmembers.com/>.” A true and accurate copy of the full text is attached hereto as Exhibit A.

12. Contrary to the allegations made by Plaintiff on page 13 of its Opposition (lines 17-15), even before SunPorno stopped offering a premium service, the premium service contracts that Ideal entered never specified or distinguished between website traffic based upon the country of origin. Therefore, SunPorno.com did not knowingly or intentionally derive financial benefit from any possible American traffic and revenue.

13. At the time of the alleged infringements (on or about September 21, 2011), I had no idea where the Plaintiff Liberty Media was located or where they had their principal place of business.

14. In fact, before September 29, 2011 when I first learned of the lawsuit which the Plaintiffs filed against me in Florida (and which they had subsequently allowed to be dismissed

before refilling the present identical lawsuit in Nevada), I had never heard of Liberty Media and had no idea who they are or where they are located.

15. With respect to the Iowa lawsuit referenced by Plaintiff on page 9 of its Opposition (lines 7-10), the defendants have filed a motion to dismiss based upon personal jurisdiction which I fully expect the Iowa court to grant, as it has in the case of several almost identical lawsuits filed by Plaintiff in Iowa that were dismissed for lack of personal jurisdiction. It is disingenuous for the Plaintiff to point to the Iowa lawsuit and say that its existence somehow supports the argument that there is jurisdiction over the Defendants in this case. I would note, also, that the attorney who filed the Iowa lawsuit, Chad Belville, is co-counsel to Attorney Randazza in a number of different cases. Can they simply manufacture jurisdiction for one another by suing people in the United States?

16. With respect to the Plaintiff's assertion that I registered the sunporno.com domain name with a Florida address and that I registered the domain with an American registrar (page 10, lines 16-20 of Plaintiff's Opposition), the domain name was registered with the American registrar and used Moniker's privacy service *before* Ideal obtained the sunporno.com domain name in July of 2011. The previous owner of the domain had registered the domain with the American registrar and used Moniker's privacy service. As explained in my previous affidavit (ECF 16-1, ¶ 14-17), Ideal ceased using these American services soon after it acquired the domain name.

17. Contrary to Plaintiff's assertion that "the Defendants have engaged in business transactions with a company LaTouraine Inc., which does business as Naughty America, a California company" page 11, lines 3-5, Ideal has never engaged in any business transactions

with LaTouraine Inc. and I personally did so on behalf of a previous employer approximately three to four years ago.

18. The Plaintiff also spends much time discussing TGP Alliance, a largely defunct website that has not been updated in years. I note that the statistical website Alexa currently ranks the TGP website at 993,701th in worldwide traffic, indicating that it receives almost no traffic whatsoever. (A true and accurate copy of the Alexa printout is attached as Exhibit B.) For comparison's sake, <http://www.sudftw.com/paintcam.htm>, a website that has a camera which literally displays peeling paint ranks 1,327,753th. (See Exhibit C.) In any event, TGP Alliance does not provide the SunPorno website with advertising service, nor is it the advertising arm of SunPorno.com.

19. SunPorno's advertising relationship with TGP Alliance existed before the transfer of SunPorno.com to Ideal and any assertions on the TGP Alliance website are outdated and incorrect. Even from the Plaintiff's exhibit showing the TGP Alliance website, ECF 28-14, it is clear that it has not been updated since Ideal purchased SunPorno in July of 2011. The last "Hot News" on the website, shown on the left side, is from June 30, 2010. The list of websites which Plaintiff points to shows that it was "updated as of 12/22/05." The copyright notice of the website is dated 2005.

20. Moreover, if you attempt to use TGP Alliance to advertise on Sun Porno by clicking on the "Submit Here" link shown in the Plaintiff's exhibit, you are directed to an error page on the SunPorno website stating that "The file you have requested was not found on this server." This is because Ideal does not use TGP Alliance to place advertisements on SunPorno or for anything else – the current link to the TGP Alliance website from SunPorno is there

because it is a legacy link that is old and outdated. It hasn't been functioning in several years and the link simply was never removed.

21. On behalf of a previous employer, unrelated to Ideal or Sunporno.com, I directed website traffic to Latouraine, and consequently Latouraine created an account "latouraine_sergej". That is the reason why on tgpalliance.com/purchase.html, my first name appears in the sentence "Send amount of money you wish to deposit to Epassporte account latouraine_sergej specifying the following info in comments." I have never used that account in connection with Ideal or Sunporno.com and, in fact, that account was last used three or four years ago.


22. Ideal does not own or operate the SunPorno store. The SunPorno store is owned and operated by a third party, CNV, Inc., and SunPorno simply diverts traffic to CNV's website served from CNV's servers which shows the SunPorno logo at the top. Much like the premium services which SunPorno linked to in the past, the SunPorno store is a "white label" website.

23. If the Plaintiff would like to bring his claims in the Czech Republic, where I am located or in the Seychellois, where Ideal is located, we would all be happy to defend ourselves in either of these locations.

24. In addition, to the extent that there are any witnesses or evidence of the alleged infringements, such evidence and witnesses would be located either in Eastern Europe or in the Seychellois, making those better locations for such litigation to occur, if it must.

[SIGNATURE PAGE IMMEDIATELY FOLLOWS]

Signed under the pains and penalties of perjury this 30th day of July, 2012.



Sergej Letyagin, Director of Technology
Ideal Consult, Ltd.

Our friends: [Twilight Sex Tube](#) | [Shemale Tube](#) | [PornoXo](#) | [Gay Tube](#) | [Ah Me Free Sex](#)



I like: [STRAIGHT](#) [GAY](#) [SHEMALE](#)

Login Sign Up

[HOME](#) [CATEGORIES](#) [PHOTOS](#) [PORNSTARS](#) [COMMUNITY](#) [LIVE CAMS](#) [ADULT DATING](#) [SEX SHOP](#) [FAQ](#)

Movies

If you have any questions about your HD membership, please use support system at <http://www.csmembers.com/>

Username

Password

First Name

Last Name

E-mail Address

Country **USA**

ZIP Code

Age Verification **Free Password**
\$0.00 - Credit Card Age Verification

GET FREE ACCESS



Ready For More HD?
Watch this HD Video & Thousands more in FULL 1080p HD for FREE TODAY!!!
DON'T WAIT GET FREE HD VIDEOS TODAY!
Just fill out the simple form and enjoy all the HD videos!



General info

[FAQ](#)
[Terms](#)
[DMCA](#)
[18 U.S.C. 2257](#)
[Record-Keeping Requirements](#)
[Compliance Statement](#)

Community

[Home](#)
[Categories](#)
[Photos](#)
[Community](#)
[Upload a movie](#)

[Sign up](#)
[Login](#)

Classic view

[Pictures](#)
[Movies](#)
[Blog](#)
[Free sites](#)

Webmasters

[Content partners](#)
[Embeds export](#)
[Advertise](#)
[Make \\$\\$\\$](#)

Privacy Policy

Contact us

The screenshot shows a web browser window with the Alexa website. The browser's address bar displays the URL <http://www.alexa.com/search?q=tgpalliance.com>. The browser's menu bar includes File, Edit, View, Favorites, Tools, and Help. The browser's toolbar includes a Google search bar, a Search button, and a More button. The Alexa website's header features the Alexa logo and the text "The Web Information Company". The website's navigation bar includes links for Home, Products, Top Sites, Site Info, What's Hot, Toolbar, and Dashboard. The main content area displays the search results for tgpalliance.com. The search results include a search bar with the text "tgpalliance.com" and a green search button. Below the search bar, there is a section titled "Search Analytics for tgpalliance.com" with a play button icon. To the right of this section, there are two links: "Query Popularity" and "QCI", both with a question mark icon and the text "No data". Below the search analytics section, there is a section titled "Search Results for tgpalliance.com". This section includes a bar chart icon, the text "Site Information for tgpalliance.com", and a yellow "Get Details" button. Below this, there are two lines of text: "Alexa Traffic Rank: 993,701" and "Traffic Rank in CA: 70,665". Below these, there is a line of text: "Sites Linking In: 68" followed by five star icons.

http://www.alexa.com/search?q=tgpalliance.com

File Edit View Favorites Tools Help

Google Search More

Sign In

Log In or Create an Account

Alexa The Web Information Company

Home Products Top Sites **Site Info** What's Hot Toolbar Dashboard

tgpalliance.com Advanced Search

Search Analytics for tgpalliance.com Query Popularity No data QCI No data

Search Results for tgpalliance.com

Site Information for tgpalliance.com Get Details

Alexa Traffic Rank: 993,701 Traffic Rank in CA: 70,665

Sites Linking In: 68

140% 1:34 AM 7/31/2012

The screenshot shows a web browser window with the Alexa website. The browser's address bar displays the URL <http://www.alex.com/search?q=http%3A%2F%2Fwww.sudftw.com/paintcam.htm>. The Alexa website header includes the logo and navigation links: Home, Products, Top Sites, Site Info, What's Hot, Toolbar, and Dashboard. A search bar contains the URL <http://www.sudftw.com/paintcam.htm>, and an "Advanced Search" button is visible. Below the search bar, the text "Search Analytics for http://www.sudftw.com/paintcam.htm" is displayed, along with "Query Popularity" and "QCI" metrics, both showing "No data". The main section is titled "Search Results for http://www.sudftw.com/paintcam.htm". Under this title, there is a "Site Information for sudftw.com" section with a "Get Details" button. The site information includes: "Alexa Traffic Rank: 1,327,753", "Traffic Rank in CN: 136,859", and "Sites Linking In: 171" with five star icons.

http://www.alex.com/search?q=http%3A%2F%2Fwww.sudftw.com/paintcam.htm

Home Products Top Sites Site Info What's Hot Toolbar Dashboard

http://www.sudftw.com/paintcam.htm Advanced Search

Search Analytics for http://www.sudftw.com/paintcam.htm Query Popularity No data QCI No data

Search Results for http://www.sudftw.com/paintcam.htm

Site Information for sudftw.com Get Details

Alexa Traffic Rank: 1,327,753 Traffic Rank in CN: 136,859

Sites Linking In: 171 ★★★★★

140% 1:31 AM 7/31/2012